

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1345

Introduced by Assembly Member Lara

February 18, 2011

~~An act relating to local government.~~ *An act to add Section 36514 to the Government Code, relating to local government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1345, as amended, Lara. Local government: boards and councils.

Existing law provides that if a city council member is absent without permission from the regular city council meetings for 60 consecutive days, that city council member's office becomes vacant and must be filled by special election, as specified. Existing law also specifies that a majority of the council constitutes a quorum for transaction of business.

This bill would, in the event of the loss of a quorum of city council members due to vacant seats on the city council, voluntarily, by removal, of for some other legal reason, establish a city council appointment committee consisting of any remaining city council members, the city's chief administrative officer, a representative from the county board of supervisors, and as many public members as are required to meet the same number of city council members. The city council appointment committee would be authorized to appoint members to fill vacant seats on the city council, and those members would serve the remainder of the term.

~~Existing law requires the governor to make an appointment to fill a vacancy on the board of supervisors of a county, as specified.~~

~~This bill would express the intent of the Legislature to enact legislation that would create an appointment process to appoint members to serve on the governing board or council of a local government in the absence of a quorum.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 36514 is added to the Government Code,
2 to read:
3 36514. (a) The Legislature finds and declares that due to the
4 challenges facing a city when the city council is unable to establish
5 a quorum because members of the city council have been removed,
6 stepped down from office, or are unable to serve for another legal
7 reason and the city council is therefore unable to convene to
8 conduct the business of the city, a city council appointment
9 committee is necessary to appoint persons to serve the remainder
10 of the terms for those city council offices that are no longer
11 represented.
12 (b) The city council appointment committee shall be created
13 upon the loss of an available quorum because seats on the city
14 council are vacated by voluntarily action, by removal, or because
15 the members are legally barred from serving. The committee shall
16 consist of the following persons:
17 (1) Any remaining city council members.
18 (2) The city's chief administrative officer or equivalent executive
19 officer.
20 (3) A county representative appointed by the member of the
21 county board of supervisors representing the city.
22 (4) The number of members of the public required to fillout the
23 remaining number of city council members. These members of the
24 public shall be selected by the persons listed in paragraphs (1) to
25 (3), inclusive. Any member of the public selected to serve on the
26 committee shall be a resident of the city.
27 (c) The city council appointment committee listed in paragraphs
28 (1) to (3), inclusive, of subdivisions (b) shall, within 90 days of the
29 date that a quorum of council members may not be met because
30 of the reasons in subdivision (b), appoint persons to serve as
31 council members as follows:

1 (1) Any appointee shall be a resident otherwise qualified to
2 serve on the city council.

3 (2) If the members of the city council are elected by districts or
4 from districts, any appointee shall be selected from the respective
5 city council district that is no longer represented by a council
6 member.

7 (3) Any appointee shall serve for the remainder of the term they
8 are appointed to serve.

9 (d) The city council appointment committee shall cease to exist
10 upon the swearing in of all of the newly appointed city council
11 members.

12 (e) The members of the city council appointment committee
13 shall not receive any salary or compensation for their service. This
14 section shall not prohibit the members of the city council
15 appointment committee from receiving salary or compensation for
16 any other position that a member holds in the city or the county.

17 (f) This section shall not apply to a charter city in the event that
18 the charter city has adopted a method for filling vacant city council
19 seats in the absence of a quorum.

20 ~~SECTION 1. It is the intent of the Legislature to enact~~
21 ~~legislation that would create an appointment process to appoint~~
22 ~~members to serve on the governing board or council of a local~~
23 ~~government in the absence of a quorum.~~